

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 08-259

v.

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SECTION: "S"

RAFAEL MARTINEZ

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FACTUAL BASIS

If this matter were to proceed to trial, the United States of America would prove the following facts beyond a reasonable doubt:

In August 2005, the Drug Enforcement Administration ("DEA") began an investigation into the methamphetamine trafficking activities of Charles Bourg, Jerry Sanchez, and others. Bourg, Sanchez, and others would acquire methamphetamine and redistribute it throughout various areas of Louisiana, including the New Orleans metropolitan area. Among other things, the investigation revealed that in August 2005 Bourg, working with Jerry Sanchez, had obtained a quantity of methamphetamine from Jody Hilliard. Bourg later supplied some of this methamphetamine to an individual identified as Keith Freeman. On August 25, 2005, an undercover agent purchased 487 grams of this methamphetamine from Keith Freeman at a shopping mall in Jefferson

Parish, Louisiana. The substance purchased from Freeman tested positive for the presence of methamphetamine.

Defendant Rafael Martinez was Jody Hilliard's source of supply for methamphetamine. Martinez had been introduced to Hilliard by Travis Davis in Dallas, Texas, in or about February 2005. Martinez introduced himself as "Joe" and knew them only as "Travis" and "Jody." Jody and Travis were both residing in Louisiana. Travis instructed Martinez that he would call Martinez to place an order for "motors," which was their code reference for pound quantities of methamphetamine, and that Jody would then travel to Dallas, Texas to meet Martinez for the purpose of acquiring the methamphetamine and returning it to Louisiana.

Typically, Martinez met Hilliard in a pre-designated shopping center parking lot located near Martinez's residence in Dallas, Texas. Hilliard would "front" Martinez the cash needed for the methamphetamine, Martinez would leave to purchase the methamphetamine from Martinez's source of supply, and then Martinez would return to the parking lot and give the methamphetamine to Hilliard.

Beginning sometime after February 2005, after receiving telephone calls from Travis, Martinez supplied Hilliard with quantities of methamphetamine on approximately a monthly basis until the end of the year. Martinez supplied Hilliard on a much less frequent basis in 2006 and 2007. In early 2007, Martinez supplied Hilliard with approximately five (5) pounds of methamphetamine, while in Dallas, Texas.

Based upon the wire intercepts, undercover purchases, drug seizures, and the statements of co-conspirators, defendant Rafael Martinez and the government agree and stipulate that he should be held accountable for at least 1,500 grams but less than

5,000 grams of a mixture or substance containing a detectible amount of methamphetamine that he personally distributed and/or possessed with the intent to distribute and could reasonably foresee being distributed and/or possessed with the intent to distribute by his co-conspirators in furtherance of the conspiracy.

RAFAEL MARTINEZ
Defendant

DATE

WARREN L. MONTGOMERY
Counsel for Defendant

DATE

THEODORE R. CARTER, III
Assistant United States Attorney

DATE